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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILPITAS
DIRECTING PREPARATION OF THE ANNUAL ENGINEER'S REPORT FOR
LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 98-1

WHEREAS, on June 16, 1998, the City Council ordered the formation of and levied the first assessment within the City of Milpitas, Landscaping and Lighting Maintenance Assessment District No. 98-1 (the "Maintenance District") pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Street and Highways Code), (hereinafter "the Act"); and

WHEREAS, Sections 22620 et seq., of the Act provide for the levy of annual assessments after formation of the Maintenance District.

THE CITY COUNCIL OF THE CITY OF MILPITAS RESOLVES as follows:

1. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A" attached and by this reference made a part of this Resolution.
2. The City Engineer is hereby designated as the Engineer of Work for purposes of the Maintenance District, and is hereby ordered to prepare and file an annual engineer's report in accordance with Section 22565 et seq., of the Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, as follows:

PASSED AND ADOPTED this 18TH day of May, 2004, by the following vote.:

AYES: ()

NOES: ()

ABSENT: ()

ABSTAIN: ()

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

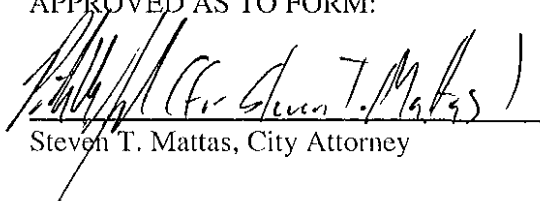

Steven T. Mattas, City Attorney

EXHIBIT A

DESCRIPTION OF WORK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1 is generally described as a district bounded on the east side by the existing Sinclair Frontage Road, on the west by Berryessa Creek, on the south by the existing commercial development, and on the north by Los Coches Street.

Maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

The maintenance and operation of and the furnishing of services and materials, as required for the following improvements:

Berryessa Creek

A strip of land approximately 510 feet long varying in width from 35 feet to 60 feet along the east bank of Berryessa

Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment,

Planting and irrigation.

Los Coches Creek:

1. A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.
2. A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way line along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Road. The improvements include planting and irrigation.

Sinclair Frontage Road

1. A strip of land approximately 550 feet long, varying in width from 5.5 feet to 25 feet along the east side of Sinclair Frontage Road, except at the intersection of Cameron Place, between the back of sidewalk and the soundwall. The improvements include planting and irrigation.
2. A parcel on the east side of Sinclair Frontage Road within the Sinclair Frontage Road and Los Coches Street right-of-way, bounded on the east side by the Interstate 680, on the southwest side by the back of sidewalk and on the north side by the Los Coches Street right-of-way line. The improvements include planting and irrigation.